THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17886 of 2003

DATED: 25.07.2007

Between:

Mukhi Raja Sowjanya

.. Petitioner

And

The Convenor, EAMCET-2003-cum-
the Vice Chancellor of JNTU,
Mahavir Marg, Hyderabad-28,
and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17886 of 2003

ORDER:

The petitioner approached this Court questioning the memo issued by the Director of Tribal Welfare, the third respondent herein, in RC.No.570/2003/TRI/VC-2, dated 19.08.2003, wherein she was directed to appear before the Director, TCR & TI, II Floor, Telugu Samkshema Bhavan, Masab Tank, Hyderabad for the purpose of substantiating her Scheduled Tribe status claim.

The case of the petitioner is that she belongs to Konda Dora Community, which is recognized as a Scheduled Tribe under the Constitution (Schedule Tribes) Order, 1950, and that she passed SSC in I Division in March, 2001 and studied Intermediate in Pavani Junior College, Visakhapatnam during the year 2001-2002, 2002-2003 and passed the Intermediate Course conducted by the Board of Intermediate Education, A.P., in March, 2003 in I Division, thereafter, she appeared for EAMCET Examination 2003 conducted under the convenorship of the first respondent, as a Tribal candidate. She further contends that at the time of counseling for her admission into the College of Engineering conducted by the second respondent, who is the Regional Coordinator of Visakhapatnam Centre-cum-Principal, A.U.College of Engineering, University Campus, Visakhapatnam, she submitted nine original certificates including the Caste Certificate, but,

the first respondent made a note beneath Item No.10 of the acknowledgment that the Caste Certificate produced by her was not verified.

Further, the petitioner's case is that the representatives of the respondents 1 and 2 informed her that as per the reservations, the rank obtained by her and the sex preference, she is entitled for a seat in the course of B Pharmacy in the college of the second respondent; that the petitioner was further informed that a clearance may be obtained from the representative of the Director of the Tribal Welfare, who was readily available at the place of the counseling, and that when she approached the said Director, he scrutinized the papers submitted by her and issued the impugned memo, dated 19.08.2003.

The main grievance of the petitioner is that though she produced the Caste Certificate, which was issued by the competent authority, the first and second respondents denied admission to her into any Engineering Course for which she is eligible as an S.T. reserved candidate. Hence, she filed this writ petition.

Heard the learned counsel for the petitioner and the respondents.

Having perused the affidavit filed in support of the writ petition, this Court is of the view that the impugned memo is issued only directing the petitioner to appear before the competent authority for the purpose of holding an enquiry with regard to her Caste status, which, in my considered view cannot be said to be arbitrary and illegal. It is always open for the petitioner to approach the authority and establish the fact that she belongs to a Scheduled Tribe Community.

Accordingly, I see no merits in this writ petition and the same is dismissed. However, the petitioner is directed to appear before the Screening Committee constituted under the Andhra Pradesh (SC, ST

& BCs) Regulation of Issue of Community Certificates Act, 1993 and establish her status that she belongs to a Scheduled Tribe Community.

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(GOPALA KRISHNA TAMADA,J)

Dt.25.07.2007
v v